

Remarks

The numbered paragraphs of the office action are responded to through the corresponding numbered paragraphs below. The applicant has addressed each issue in turn and, for clarity, has provided a heading for each issue.

Request for Continued Examination

1. The Examiner indicated that the previous request for Continued Prosecution Application (CPA) is acknowledged, but that since a CPA is not permitted under 37 CFR 1.53(d)(1), the CPA is being treated as a request for continued examination under 37 CFR 1.114. The applicant appreciates the Examiner treating this CPA as an RCE and believes that no specific response to this paragraph is required.
2. The Examiner indicated that a request for continued examination under 37 CFR 1.114, including the fee set forth, was filed in this application after final rejection, this application is eligible for continued examination and the fee has been timely paid, the finality of the previous Office action has been withdrawn and applicant's submission filed on 11 August 2001 has been entered. The applicant appreciates the Examiner entering the applicant's submission and believes that no specific response to this paragraph is required.

Claim Rejections - 35 U.S.C. § 112

3. The Examiner provided the citation to the first paragraph of 35 U.S.C. § 112. The applicant believes that no specific response to this paragraph is required.

4. The Examiner rejected claims 13 and 15-20 "as containing subject matter which was not described in the specification. . . " Specifically, the Examiner noted that claim 13 recites "a plug head band is made of a material capable of plastic deformation." The applicant has requested that this cited element be removed from claim 13. The applicant believes that this correction fully addresses the rejection of this paragraph and respectfully requests reconsideration and withdrawal of this rejection.
5. The Examiner provided the citation to the second paragraph of 35 USC § 112. The applicant believes that no specific response is required for this paragraph.
6. The Examiner rejected claims "13 and 15-20 under 35 USC § 112, second paragraph, as being indefinite . . ." Specifically, the Examiner indicted that there appear to be "either extra words or missing words in claim 13, lines 3 and 4. The applicant has requested that claim 13 be amended to remove the word "is" which appears to have cause the confusion. The Examiner also stated that "claim 19, line 2, recites "a band" which appears to be a double insertion of "a plug head band" of claim 13, line 3. And, the Examiner indicted that "claim 19, line 3, recites 'said band further comprises a material' . . . that appears to be a double inclusion of 'a material'" The applicant has requested that claim 19 be corrected to make this claim more clear.
7. The Examiner noted that "the claims have been examined as could best be understood by the examiner." The applicant appreciates the Examiner's examination.

Claim Rejections - 35 U.S.C. § 103

8. The Examiner provided the citation to 35 U.S.C. § 103(a) which forms the bases for all obviousness rejections set forth in this Office action. The applicant believes that no specific response to this paragraph is required.
9. The Examiner rejected claims 13, and 15-20 under 35 U.S.C. § 103(a) as being unpatentable over Maier et al. in view of Szymaszek et al. The applicant has further reviewed these references since the applicant previous response and the applicant believes that these references are not properly combinable because if combined their intended function is destroyed. The CCPA and the Federal Circuit have consistently held that when a §103 rejection is based on a modification of a reference that destroys the intent, purpose or function of the invention disclosed in the reference, such a proposed modification is not proper and the prima facie case of obviousness cannot be properly made. *See, In re Gordon*, 733, F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). In this instance Maier et al., as noted by the Examiner, "do not disclose means for fastening as a plurality of nuts and bolts or pins." Applicant believes that this is because Maier et al. uses "an insulating resilient body 1 shaped as an annular sheathing 4 or sleeve 5 . . . the body should not be capable of plastic deformation." *See, Maier et al. column 3, lines 25-35.* This body appears to be what the Examiner refers to as "a plug head band (4)." It is clear to the applicant that such a body not capable of plastic deformation would not work with the bolt fasteners of Szymaszek et al., since not being capable of plastic deformation (i.e., being brittle) it would fail under the mechanical stresses induced by the bolt arrangement of Szymaszek et al. This contention of the applicant is supported by Szymaszek et al. wherein the "seal ring" is capable of

plastic deformation. "Since the plastic seal ring is slightly resiliently compressible and is also highly wear-resistant, it is able to deform slightly so as to evenly and tightly engage the valve seat surface to provide an even and tight seal when the valve is tightly closed." *See, Szymaszek et al. column 1, lines 53-57.*

Also, Szymaszek et al. describes the use of "an annular plastic seal ring, made of TEFLON or the like . . ." *See, Szymaszek et al. column 2, lines 43-44.* In sum, the applicant believes that the references Maier et al. and Szymaszek et al. are not combinable to establish a prima facie case of obviousness because it would have been obvious to one having ordinary skill in the art that using the means of fastening of Szymaszek et al. in the invention of Maier et al. would have destroyed its intended function, thereby making it inoperable. Furthermore, the applicant respectfully reasserts that aluminum titanate is not an aluminum alloy.

As such the applicant has requested that the claim be restored to its prior language. The applicant has previously submitted a large number of scientific and patent materials establishing that aluminum titanate is a ceramic. Applicant wishes to point out that the Maier et al. reference itself refers to it as a ceramic. *See, Maier et al. column 3 lines 12-29*, where the "connecting element . . . is provided by an elastic **ceramic** insulating resilient body . . . preferred materials for the insulating resilient body are **aluminum titanate**, . . ." The applicant believes, because claims 15-20 depend on claim 13 and claim 13 recites the use of a ductile, by definition not a ceramic which is brittle, and because Maier et al. and Szymaszek et al. are not properly combinable, that this paragraph fully addresses

the §103 rejection of this paragraph and respectfully requests reconsideration and withdrawal of this rejection.

Response to Arguments

10. The Examiner indicated that the applicant's arguments filed previously have been considered but were not found by the Examiner to be persuasive. The applicant appreciates the Examiner's consideration. The applicant has previously provided substantial technical material to demonstrate the applicant's assertion that the materials claimed by applicant are ductile and that the materials described in the references are brittle. The applicant also attempted to provide substantial material to show that it is accepted that Aluminum Titanate is a ceramic and that ceramics are by definition brittle. The applicant reasserts these facts and, furthermore, points out that the cited references are not properly combinable to establish a prima facie case of obviousness because of inoperability. The applicant appreciates the Examiner's consideration and position and respectfully requests further consideration of the claims as presently submitted.

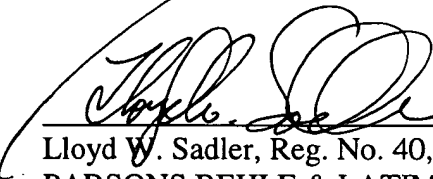
Conclusion

11. The Examiner provided information concerning communication with the Examiner on this case. Applicant appreciates the Examiner's willingness to discuss this case and believes that no specific response is required for this paragraph.

The applicant has requested that claims 13 and 19 be amended as previously described. The applicant believes that this response places the amended claims and all those claims which depend on amended claims in a condition for allowance.

In view of the foregoing, and in summary, Applicant believes that all issues and points of the Examiner's Office Action have been addressed and that all remaining claims, claims 13 and 15-20 are patentable over the prior art. Reconsideration and allowance of the application is respectfully requested.

Respectfully submitted this 25th day of March, 2002.

A handwritten signature in black ink, appearing to read "Lloyd W. Sadler", is written over a horizontal line.

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